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BATONYI JURY COMES SEALED FINDINGS: TO

OPENED THIS MORNING.

The Whip an Angry Witness in His Own Defence-Denies His Wife's Charges Admits His Name Was Once Kohn and Says Works Were Once Worths.

The suit of Frances Work Batonyi for an absolute divorce from Aurel Batonyi. the whip, which has been on trial for two days before Supreme Court Justice O'Gor man and a jury, went to the jury yesterday afternoon at 3:15 o'clock. When nothing had been heard from the jury up to 5:25 o'clock except several requests Court ordered a sealed verdict. Early in the evening the jury turned in its findings. which will be opened at 9 o'clock this morning. Lawyers in the case said that with permission of the Court a disagreement as well as an agreement could thus

The testimony was concluded at noo yesterday. Mr. Batonyi was the only witness in his own behalf. After he had given such vigorous denists of the charges concerning his conduct with Beatrice Brevaine Dreyfuss in a taxicab and with Margaret Lawrence in her apartments at 226 Central Park West that the Court admonished him to confine himself in his answers to "yes" and "no," W. M. K. Olcott, counsel for Mrs. Batonyi, put him through a cross-examination that got his temper to the boiling point.

be returned.

Mr. Olcott brought this about by read ing paragraphs from Batonyi's original cross-complaint in answer to Mrs Batonyi's suit, a complaint that was withdrawn but was published in a news paper, in which the defendant impeached his wife's conduct with Frank K. Sturgis banker for the Work family, including the allegation that she was the mistress of Sturgis. The cross-complaint also contained the charge that Mrs. Batonyi had an architect come to the house for the ostensible purpose of planning some changes, while her real object was to be able to visit him in the night. In his later answer Batonyi had declared

that his relations with his wife were perfectly happy during the period covered by the original accusations, and Mr. Oleott asked him if the original accusa tions were true. Batonyi said he had no comment to make on the charges and was only sorry that Mr. Olcott had brought them out. Mr. Olcott demanded th name of the architect but the Court ruled out the answer.

"Will you tell me why in view of the charges against this "low and fallen woman" you did not sue her for an absolute divorce?" asked Mr. Olcott.

"I am sorry that that was put in by my asel, but it was all brough out by you," replied Batonyi, fairly shout-

"You swore to and signed that affidavit Why did you make it?" Batonyi objected to answering and the Court told him he needn't, adding: seems that we have travelled very far

afield in this matter. When Mr. Olcott insisted on an explanation of Batonyi's later affidavit that he

and his wife lived happily together he "We did live happily together until Frank K Sturgis interfered and caused treuble. The truth will all come out

some day and it will be shown that the witnesses in this case against me lied. The truth will all come out, just as it did in the Morse divorce case. It took a long time then, but the truth finally came out, and it will in this case-the truth will

He testified that he didn't live at the Hotel Empire on December 19, 1907, having left there on December 9 of that year. He knew the telephone girl at the Empire who testified on Monday that Batonyi requently called 1912-Riverside, Mrs. Lawrence's number, but he declared that he had never called the number. He said that after he left the Hotel Empire he was so hounded by detectives that he went to a private boarding house in West Seventy-

Batonyi declared that he never heard of Mrs. Lawrence until he got the complaint in the present case, and never was in her apartment. Batonyi also declared that he never heard of Beatrice Brevaine until he got the divorce papers, and denied the whole story of the taxicab ride. When asked concerning the truth of various details of the story Batonyi said repeatedly:

"That entire story is absolutely untrue I never knew that woman and was never in a taxicab with her in my life."

As to the statement by the taxicab driver that he wore a white chrysanthe mum on his overcoat that night, he said he never wore a chrysanthemum but once, and that was when he was driving at the Horse Show.

Mr. Olcott's first question under th

cross-examination was: "What is your real name?"

"Aurel Batonyi."

You have had another name?"

"Two other names."

"What were they?"

"Kohn and Muremberg. I changed my name, just as the Works did. Their name was originally Worth when they were

Batonyi said he had been married be fore and was divorced, and when Mr. Oloutt asked if he ever had any title to nobility he shouted "No!" He dehied that he and a woman travelled abroad as a Count and Countess. He said that the family name was originally Muremberg, but that it was changed to Kohn

before he was born.

This is the second suit for divorce brought against you by your wife, is it

do not believe that my wife ever mied me." said Batonyi, rising from the witness chair and making a dramatic gesture in the direction of his wife. "Those wits were instigated and brought by J.

er v Work and yourself."
"You have sued Frank Work for \$500,000 alienation of your wife's affections?

a Mr. Olcott have brought three suits for \$500,000 K. Sturgis for \$500,000 because he is at the bottom of all this." "You have just said I was at the botton

of all this." "I did. But you are only paid for this by Frank Work and take your instructions from Frank K. Sturgis."

"You realize that if you are found guilty of these charges of adultery you cannot ecover this \$1,500,000?" "I don't want the money. I will give

to charity. While Mr. Olcott read the allegations

oncerning Mrs. Batonyi in Batonyi's withdrawn complaint she looked almost stantly at the witness. A smile of scorn crossed her face occasionally and she flushed frequently.

In the summing up for Batonyi Frank Mose declared that the time card turned in by Arcoust, the taxicab driver, who for the reading of certain testimony the swore that he drove Batonyi and Beatrice Brevaine to 195th street and on March 14, 1908, showed that he had three other fares between 8:30 and 11 o'clock, the hours he swore Batonyi and the woman were in the cab. He also pointed out that the fare, \$7, that Arcoue said he charged for the trip was remarkably small in view of the time and dis-

Mr. Olcott said in his summing up that he hoped the jury would "take this man

MAYOR CORRECTS GAYNOR. Public Correction Expected From the

Candidate Himself. In his speech in Carnegie Hall last hursday night Judge Gaynor charged the present administration with paying an exorbitant price to the Cuttings for the Thirty-ninth street (Brooklyn) ferry, and stated that in 1905 R. Fulton Cutting, who was then at the head of the Citizens Union, supported Mr. McClellan for Mayor,

Mr. McClellan has written to Judge Gay nor denying that Mr. Cutting supported him four years ago and pointing out that the ferry was bought by the city to prevent it being closed down, and that the price paid for it was fixed by experi

In reply the Mayor received a me from a representative of Judge Gaynor saying that if an error had been made the Judge would rectify it on the plat-

As he hadn't so rectified it the Mayor sent another letter to him. In answer to this, it was stated yesterday, Judge Gaynor wrote admitting that he was in error and giving to the Mayor the choice of either making the letter public or hav ing a statement made at a public m Mayor McClellan prefers the latter.

FIND VERTEBRA BROKEN. Midshipman Hurt at Football in Serious

ANNAPOLIS, Oct. 19 .- A second, X-ray examination of Midshipman Earl D. Wilson of Covington, Ky., who was injured in Saturday's football game, has disclosed that the fifth cervical vertebra is broken. Mrs. Wilson, the boy's mother is expected to-night, and she will be consulted as to an operation. Under any circumstances a further consultation will take place to-morrow, and emine

specialists may be called in.
Wilson's splendid physique is standing the strain well, and his pulse, temperature and respiration are all about normal There has also been some diminishmen of the paralysis in the sensory nerves.

GUGGENHEIM DIVORCE CASE. Chicago Court Takes up Ex-Wife's Ple

CHICAGO, Oct. 19.-Judge Honore today in the Circuit Court took up the petition which will determine whether Grace B. Guggenheim obtained, wrongfully or otherwise, a decree of divorce from William Guggenheim of New York in Chicago, March 20, 1901.

Judge Honore said that he would give due consideration to the fact that it had been stated that Mrs. Guggenheim was bringing this action for pecuniary

benefit to herself. William Seabury of New York is here on behalf of Mrs. Guggenheim, and insists that the decree be set aside. Untermyer, also of New York, is here on behalf of Guggenheim, and will insist that the court has no right to open the case at this late date.

TO TRY OUR OPERA ABROAD. The Metropolitan Announces Perform ances at the Chatelet in Paris.

Giulio Gatti-Casazza, general manager and Andreas Dippel, administrative manager of the Metropolitan Opera Company, issued this announcement yester

the intelligent efforts of Gabriel Astruc, who is at the head of "La Société Musicale pour les Grandes Auditions de France." a committee of patrons was formed, com-prising Americans, Italians and Frenchmen residing in Paris, for the pose of presenting a series of perform-ances of Italian opera at the Châtelet Thâére, the largest in Paris, during the month of May and June, 1910, with the principal elements of the Metropolitan Opera Com-pany—its principal artists, chorus, scenery,

ostumes, accessories, &c.
With the formation of the committee of patrons negotiations with the Metropo tan Opera Company were immediately begun between M. Astruc, representing the committee, and Gatti-Casazza and Dippel and were brought to a successful conclu-sion with the specific understanding that sion with the specific understanding that the Italian season in Paris should be undertaken by the Metropolitan Opera Company as a practical demonstration of the artistic standard of opera at the Metropolitan Opera House rather than as a financially

Rumors of these negotiations have eached the European press and are widely iscussed with much surmisal as to the per and of the artists and the reper to may be stated that such surmisals have been either wholly or partially wrong, as neither repertory or list of artists has as yet been specifically determined. At the same time it is stated that the casts will be selected exclusively from the artists engaged by the Metropolitan Opera Company and its amiliated theatres for this and future seasons.

and its amiliated theatres for this and future seasons.

The musical direction of the Italian season in Paris will be in the capable hands of Arturo Toscanini. He had received an offer from the Opera at Buenos Ayres of \$10,000 for a season of fourteen weeks, of which \$10,000 in advance was placed in his hands. This salary was voluntarily renounced by Signor Toscanini in order that he might conduct the Paris season of the American company.

Messrs, Gatti-Casazza and Dippel will be at the head of the executive committee at Paris. Both the Parisian projectors and the Metropolitan officials feel that the season is so certain of success that they are confident of repeating the season in the moaths of May and June, 1911, when German operas, sung in French, will be presented as duplicates of the performances at the Metropolitan Opera House. Work. Frank K. Sturgie and Mr. and Mrs. Peter Cooper Hewitt. I sued Frank at the Metropolitan Opera House.

DEFENDS HIMSELF

DENOUNCES INSURGENTS AND DEMOCRATIC ALLIES.

Tells Audience Why Congressman Fowler Was Deposed From Barking Chairmanship and Denies Compact With Tammany Hall-A Thrust at Bryan

ELGIN, Ill., Oct. 19.-Speaker Joseph G. Cannon to-night before an audience that jammed the Opera House, poured hot shot into the ranks of the insurgents.

Mr. Cannon, standing on tiptoe, with his hands straight up and that famous left forefinger wigwagging eloquently, ripped into La Follette and Cummins.

He declared that the time had com for the people of the United States to decide whether seven insurgent Senators who called themselves Republicans and twenty members of the House constituted the Republican party of this country.

Mr. Cannon denounced the charge deal with Tammany as a falsehood and roasted the metropolitan newspapers that assail partisanship with "unfair criticism, falsehood and denunciation."

He gave a reason for removing Repre entative Fowler from the Banking and Currency Committee, saying that Mr. Fowler tried to block the will of the majority and that the majority had to put Mr. Fowler to one side.

When "Uncle Joe" was not denouncing the attacks on himself and Congress he indulged in satire, fable and sarcasm levelled at the insurgents, Mr. Bryan and others who have termed him a "Czar."

"My God! Can all this be true?" he shouted with a smile that got the audience as he finished recounting the indictmen against him. Holding back the lapels of his coat

standing erect, and throwing back his nead, he said with dramatic fervor: "Behold Mr. Cannon, the Beelzebub of Congress. Gaze on this noble manly formelzebub, me the Czar."

Mr. Cannon reviewed his more than core of years in Congress, gave the lie direct to some of his critics and declared that there had been no time in all the history of Congress when a majority could not change the programme or de ose a Speaker.

Taking up Representative Fowler, he vent into detail and told how Mr. Fowler and a few members of the Banking and Currency Committee had attempted to block the will of the majority.

"The Republican majority and a Republican President had decreed that an emergency currency bill should be passed," said Mr. Cannon. "The committee of which Fowler was chairman refused to report out the bill. We held a caucus of the Republicans of the House and that caucus directed that the committee report out the bill. Still it re-

"Then, by the will of that majority. I recognized a motion to suspend the rules and all the Republicans except a few of the committee led by a Representative of the name of Fowler from New Jersey voted to suspend the rules. The House passed that bill. The Senate House passed that bill and Mr. Roosevelt signed

"There has never been a day since Mr. Reed's time in 1890 and there never will be a day when a majority of the House cannot consider any public bill on the

Mr. Cannon reviewed Speaker Reed's career and told how the Democrats go control of the next Congress and how they then after denouncing Reed as a tyrant reenacted the Reed rules in toto and did it again in the hext Congress

that they controlled. "And my friend William Jennings Bryan of Nebraska voted for those same ules," shouted Uncle Joe. "He didn't or for many, many years. He did not mention the Czar business in 1896, in 1900 or in 1904, but he waited until he thought everybody had forgotten about his vote

for the Czar rules.

Mr. Cannon declared a Speaker of the House who will not stand boldly for the programme of the majority every hour of the day should have written across his forehead the words coward and poltroon. Turning to the insurgents Mr. Cannon charged that La Follette and Cummins came over to the House and took charge

of the insurgents and tried to defeat the rules and enact Mr. Clark's rules that would have made it impossible to pass a "We needed but two votes to adopt the

rules and we got a basketful," said Mr. Cannon.

The Speaker here stopped long enough to denounce as a falsehood the charge that he had entered into any contract with Tammany in order to pass the rule that were adopted.

"I have no knowledge of such a conract," he said. "We finally passed the Payne tariff bill, and while all of us were not satisfied with everything in it I want to say to you here to-night, as President l'aft did at Winona, that it is the best ariff bill ever passed in the history of

the Republican party. "But what happened? The wheels began to go round. Mr. Bryan attacks Who is helping Mr. Bryan? the bill. Not many Democrats in Iowa or Illinois, believe, but such men as Senator Cummins and La Follette.

"Cummings said there was nothing left to do but appeal to the people. He reminds me of one of Æsop's fables where the fox lost his tail in a trap and went around trying to convince all the other foxes that they should cut off their tails

"Cummins not only proposes to join Bryan but says that this agitation will not stop until the tariff is revised to suit

"It is an open secret in Iowa that Cummins has set out to defeat every Republican member of Congress from Iowa who voted for the tariff bill. "On that appeal, in the State of Iowa, it

is to be determined whether seven Senators and twenty Congressmen calling themselves Republicans constitute the Republican party, or whether a majority of the Republicans and a Republican President who signed the bill constitute the party."

M'CARREN VERY LOW. Alarming Symptoms Follow Rally After a Bad Night.

Senator Patrick H. McCarren's condition this morning was very serious. Dr. Peter Hughes, his personal physician left the hospital at 12:30 o'clock this morning to get some rest, after spending three

ours with the patient. He issued this bulletin at that time: I find the Senator's condition very serious and I see no encouragement. The Senator realizes his condition and is working hard

Dr. Hughes made arrangements with Dr. O'Keefe, the house surgeon of the hospital, that he was to be notified of any change in the patient's condition.

in a fight for his life

The latest bulletin followed one which Dr. Hughes had issued at 11:15 in the vening and which said: Condition very much improved Patient

ems more appreciative of surroundings. Among those waiting for news of the enator were Magistrates Dooley and Haggerty and Assistant Corporation Counsel Lazinsky. In the afternoon Bishop McConnell called at the hospital with Vicar-General Father McNamara. They remained with the patient an hour.

Unfavorable symptoms manifested themselves yesterday morning. While Dr. Hughes wouldn't venture an opinion then as to whether his patient would die he said that his condition was extremely grave. Dr. John O'Keefe, the house surgeon, who was in charge of the patient on Monday night after Dr. Hughes had left the hospital, noticed a change in the sick man's condition early in the morning. His heart was very weak and his pulse irregular. His temperature remained normal. Dr. Hughes remained in the sickroom for some time on his on visit and at 10 o'clock he issued the following bulletin:

Senator McCarren had a very poor night. He is troubled with hiccoughs, which is a very bad sign. He is very much exhausted and weak. His heart is in poor condition. At 3 o'clock in the afternoon the patient ook a little liquid nourishment, and later he fell into a light sleep. It lasted about twenty minutes

NEW BULL WILL FILED. Alleged Later Document Leaves Bulk Estate to William T. Bull. Jr.

NEWPORT, Oct. 19 .- A copy of a will the late Melville Bull of later date than the one which has been admitted to probate at Middletown has appeared. The new will was presented on Monday

when a petition was filed by Charles A. Wilson, as next friend of William T. Bull, a minor, praying that the copy of the will be allowed and recorded and that letters testamentary be issued to the petitioner, William T. Bull, the executor named in the will, having died.

This will is said to be a copy of document which Mr. Bull had drawn 1907 and was witnessed by Everett M. Bryant, William O'Neill and Francis Lawton. It is said in the petition the original of the will had been lost or unintentionally destroyed by the late Melville Bull when by reason of sickness he had been unable to understand the nature or effect of such an act

When the will of 1901, which left Mr Bull's estate to his brothers and sister, was admitted to probate there were statements made that there had been a later will, in which the bulk of the estate went to Master William T. Bull, son of the late Dr. William T. Bull, a brother of the testator. This will, however, was was admitted

Since then Master William T. Bull appealed from the decision of the Probate Court and that matter is now pending in the Superior Court of this State

CZAR STARTS FOR ITALY. Roundabout Route Through Poland, Ger-

many and France Announced. Special Cable Despatches to THE SUN.*

ODESSA, Oct. 19.—The Czar embarke o-day on the imperial yacht Standart at Livadia, the imperial estate on the north coast of the Crimea, and sailed for this port on the way to Italy. He was acsay anything about the Czar business then companied by M. Isvolsky, Minister of

Foreign Affairs, and a numerous suite. The Czarina and the imperial children bade the Czar farewell on the quay. The harbor here has been cleared of shipping and trawls are being used to search the bottom of the bay for possible mines The Czar will not spend any time in Odess but will take a train as soon as he lands.

It is understood that he will travel he way of Warsaw, Posen, Frankfort-on-the Main and Besancon, where probably M. Pichon, French Minister of Foreign Affairs, will meet him. He will enter

TURIN, Oct. 19 .- The council of the General Labor Confederation has decided against a strike as a protest against the visit of the Czar, and it urges the labor unions to refrain from even a partial strike. Many big employers in Piedmont have resolved that if there is a strike they will lock out their employee

NIGHT RIDERS ACTIVE AGAIN Kentucky State Troops Guarding Burley

Tobacco Region. LEXINGTON, Ky., Oct. 19.-Night riders have again become active in the Burley tobacco region.

Gov. Willson has ordered out State troops and they are scattered in the counties where night rider warnings bave been given.
In Mason county warnings were left last night at the homes of Fred Adams and ast night at the homes of Fred Adams and Harry Ailen, both of whom were given five days in which to pool their crops or were addressed to the men and their wives. Both have refused to be forced nto pooling their tobacco

RUTH BRYAN GOING ABROAD. Leavitt's Former Wife to Educate Her Children in Germany. OMAHA, Oct. 19.-Mrs. Ruth

Leavitt, daughter of William J. Bryan, to-day announced that her two children will be educated in Germany and not in American schools. While the children are attending school in Berlin Mrs. Leavitt are attending school in Berlin Mrs. Leavitt will devote her time to voice oulture. The Leavitts will sail on December 1.

In the meantime Mrs. Leavitt will continue lecturing.

"I never had any intention of running for Congress as has been reported, and Mrs. Leavitt. "That was a pure fabrication. I think every woman should vote whenever she has the right to do so."

All through rail tickets between N. Y. and

SALE OF "EVERYBODY'S" GOES

BUT JUDGE VAN WYCK OR-JECTS FOR TWO HOURS.

He Thinks \$3,000,000 Too Much and In timates That There Will Be Litigation-Wilder Stock Controls Butterrick Meeting-Losses on "Ridgway's."

There were lively doings yesterday afternoon at the meeting of Butterick Publishing Company stockholders which was called in order to get an authorization for a new issue of stock, the proceed of which will be used for the taking over of Everybody's Magazine. Former Judge Augustus Van Wyck stood out against the purchase of the Ridgway publication and quizzed G. W. Wilder, president of the Butterick company, for two hours as to the merits of the magazine as a moneymaker. Judge Van Wyck was told that the principal assets consisted of good will, and he said that he couldn't see that that was worth \$3,000,000.

Mr. Wilder left the chair to a subo dinate as soon as he found that the Judge was going to ask questions. The first question put was about the assets, an wered as above.

"Well," said the Judge, "I don't wish to discredit the value of Mr. Ridgway's good will, but I can't see that it's worth

all you propose to pay him for it." Then Mr. Wilder added: "But the maga zine has a wonderfully well organized staff. It could be used to advantage on the Butterick publications.

contract? "No," answered Mr. Wilder. "They're "Then do you think they will do addi

"Are the members of the staff under

tional work without additional compe sation?" pursued Judge Van Wyck. don't think they will." Then he tried to find out something about the net earnings of the Ridgway Publishing Company in recent years. Mr. Wilder said that he had the figures at

hand, but that he couldn't reveal them unless all the stockholders present would bind themselves not to make them public He added that they amounted to 10 per cent. throughout the last two or three Weekly?" asked the Judge. "I under-

Ridguay's Weekly is the paper which was published for a while in a string of cities Mr. Wilder told Judge Van Wyck that \$300,000 was lost in that enterprise, but that the whole sum had been made good Judge Van Wyck intimated that if the stockholders should vote to buy out the Ridgway Publishing Company for \$3,000,000 be would test the legality of the

stand that they were pretty heavy.

proceeding in the courts. "By the way," said he to Mr. Wilder how much Butterick stock does the

Wilder family own?" "Pretty nearly a majority." he was told The result of the vote showed that Mr. Wilder had a majority of the stockholders with him. Out of capital stock amount ing to \$12,000,000 only 4.580 shares wer voted against the proposed incre They were composed of Judge Van Wyck's holdings, those of Robert A. Van Wyck and Miss Van Wyck, about 900 shares held by

jectured to be the property of Charles W The capital stock of the Butterick Publishing Company will now amount to \$15,000,000 par value.

PRISONER IN AUTO UPSET. Helps Disabled Constable and Waits for

Another to Come. FREEPORT, L. I., Oct. 19.-Thomas Roberts, a constable of Seaford, was hurt in an automobile accident this after noon. He was taking Andrew Wichowsk to the county jail at Mineola in his automobile. Wichowski had been committed on a charge of grand larceny by Justic Tatum.

On the Merrick road the car skidded and turned over. The prisoner was thrown clear, but Roberts's right leg was caught under the car and crushed The prisoner was not hurt and he gave the alarm and brought help to the officer Roberts was brought to a doctor here and Wichowski came with him and waite around while the injuries were dressed By that time it was seen that Robert was too badly hurt to be able to go Mineola, and another constable was sur noned, who took Wichowski to the jail.

MME. JACOBY SAVES A WAITER. Singer's Bag Wasn't Stolen at Rector's

-Found in the Solled Linen. John Pugol, a waiter, unjustly arrested was liberated yesterday by Magistrate Herrman in the Yorkville police court after his innocence had been established by the testimony of Mme. Jacoby, the

Pugol, who lives at 508 West Fortieth street, was accused of stealing a gold mesh hand bag worth \$500, which left in Rector's on the night of September 19 by Mme. Jacoby. With her at the time was Dr. William MacLeod of 101

time was Dr. William MacLeod of 101 West Fifty-eighth street. The police found no trace of the bag. Two days ago Detectives Donohue and O'Brien of the Central Office arrested Pugol because he had waited on the singer.

Mme. Jacoby was not on hand when the case was called in the West Side court yesterday. Dr. MacLeod was. The Court asked for evidence. The police had none. They said they had arrested Pugol upon Dr. MacLeod's complaint. The doctor denied this. Magistrate Herrman was incensed.

man was incensed.

"Bring Mme. Jacoby here to make a complaint," said his Honor, "or I will subpena her."

Dr MacLeod promised to do so, and the hearing was put off until the afternoon was greatly surprised at Pugol's arrest.
"He didn't steal my bag." she said.
"The very day after I reported my loss the bag was found among the soiled linen at Rector's. I have had it ever since."

Finds a Baby in Central Park. Louis Brown, an employee of the Park Department, found a warmly dressed twoks-old baby in the bushes of Central

Pugol was released at once.

weeks-old baby in the bushes of Central Park at Seventh avenue and Fifty-ninth street yesterday afternoon. It was taken to Bellevue Hospital. Drugless Sleep vs. Drugged Sleep. Ask for His

A LIFE FOR FERRER'S?

Paris Paper Says Barcelona Prosecuto Has Died From Pistol Shots.

Special Cable Despatch to THE SUN. PARIS, Oct. 19 .- The Petit Parisies publishes a rumor from Barcelona that an attack has been made on the prosecutor who demanded the death penalty for

On the night between Friday and Saturday last, it says, the prosecutor was walking on the Rambla de Canaletas when an Individual fired two shots from a revolver at him and then ran away.

The story is that the prosecutor died o'clock Sunday morning.

LARGE ESTATE TO CHARITY Residue of Mr. Valentine's \$2,000,000

to Go to Two Hospitals Mitchel Valentine, who died in West chester on September 5, aged 80 year disposes in his will of an estate valued at \$2,000,000. He gives one half the residue to the Hahnemann Hospital and the other half to the Presbyterian Hospital.

The testator also leaves to the Peabody Home for Aged and Indigent Women at 064 Boston road, The Bronx, \$100,000 to be devoted to the purposes of the home. He gives to St. Peter's Episcopal Church of Westchester \$10,000 to assist the worthy sick and poor of the parish. He also orders his executors to cancel a mortgage for \$10,000 which he held on the proper of the Methodist Episcopal Church of

A score of bequests of from \$5,000 11,000 are left to relatives and friends of the testator.

MRS. C. B. ALEXANDER HURT. Broken Glass When Her Taxical Rams an Elevated Pillar.

Mrs. Charles B. Alexander, wife of th awyer, arrived from Tuxedo yesterday Afternoon and at 2:30 o'clock was in a axicab on Sixth avenue on her way nome to 4 West Fifty-eighth street. Th cab was in charge of Frederick Hayward of 211 West 117th street.

Near Fifty-sixth street Hayward apolied the brakes to avoid running down a man who was crossing the avenue. The cab skidded and struck an elevated railroad pillar. Mrs. Alexander was thrown forward and her head broke window. She was badly out over the left temple and her face was scratched by broken glass. She was taken to her home in anoth

taxicab and was received there by her sister-in-law, Mrs. John J. McCook, who ent for Dr. Alexander, a brother-inlaw of the injured woman. Last night Mrs. Alexander was suffering from the shock and the cuts.

CAPT. HODGINS GETS BACK.

Court of Appeals Puts the Retired Poli Officer on Active Duty Again. ALBANY, Oct. 19 .- William H. Hodging who was retired as captain of police of November 6, 1907, is to be reinstated under a decision to-day by the Court of Appeals. Hodgins objected to being placed on the pension roll, contending that he was physically able to perform the duties of a captain. The Special Term held with him, but the Appellate

Division was against him. The court affirmed the decision of the lower courts in refusing to grant a per-Murphy directing the New York Com-missioner of Police to recognize Murphy as a telegraph operator in the New York Police Department with the rank of lieu tenant of police. Murphy was employed in the telegraph bureau, which abolished and the electrical bureau substituted. He was dropped to a patrol-

man and received that nav. BETTORS FAVOR GAYNOR. Only a Few Bets Appear in the Campaig

Se Far. Few bets have so far been made on the outcome of the election. Charley Manoney, the stakeholder at the Hoffman House, has only had about half a dozen bets, the two largest being one of \$2,000 to \$1,500 that Bannard will finish third in gross sham of non-partisanship, declined the three cornered race for Mayor, and to nominate any one who would not promise not to take the Democratic nomanother of \$1,000 to \$500 that Gaynor will win. Another wager, but only for a small amount, has been made that William R Hearst will poll at least 100,000 votes.

AUTO HITS A LITTLE BOY and Leaves Him Unconscious for a Police

man's Horse to Shy At. At twilight yesterday afternoon the norse of a mounted policeman ambling toward Jerome avenue on Featherbed lane in The Bronx shied at a dark little object lying against the curb. The poceman, Harry Shelley, glancing down to see what was the matter made out the figure of a little boy. Six blocks up Jerome avenue he caught sight of an auto mobile, half hidden in its own dust.

Shelley telephoned for an ambulance from Fordham Hospital. When the youngster came to he said he was Philip Kurtz, 8 years old, a schoolboy of 161st street and Gerard avenue. The doctors say he has a bad knee and serious interna injuries but that he has a good chance of getting well. Nobody could be found who knew what the automobile looked

Controversial Statuary. The committee of 100 will unveil to porrow at its exhibit in Union Square

copy with amendments of the plaster tatue which has been erected in Lincol statue which has been erected in Lincoln Square by Tammany of a female figure which has inscribed on the pedestal "Our City; Defeat of Slander." The figure is supposed to be an emblem of the city's purity. The statue of the Lincoln Square lady is to be reproduced with a bloody mouthed tiger tearing the poor creature's throat. Job E. Hedges will make the unveiling speech.

The presentation of medals and certifi-cates of honor made annually by the United States Volunteer Life Saving Corps took place yesterday in the City Hall The recipients numbered nearly a hundred Among them was Mamie Kava-naugh, a fifteen-year-old girl, who res-cued a boy from drowning in Jamaica Bay in August, and Herbert Elder, 13 years old, who saved a woman's life at South Beach

Boy and Girl Get Life Saving Medals

GAYNOR FINDS TAMMANY HALL

PRICE TWO CENTS.

BUT HE SAYS HE HAD TO ASK HIS WAY TO 14TH STREET.

Speaks to a Modestly Enthusiastic Ratifi cation Meeting at the Wigwam and Insists That the Tiger Can't Swallow

Him-Repeats Attack on Hearst. William J. Gaynor told a crowded ratiication meeting at Tammany Hall last vening with a straight face that he had not known before where Tammany Hall was and that he had been obliged to telephone from his nome early, in the

evening to find out how to get there. It was a poser for the crowd, but after little hesitation there was a somewhat timed attempt to take it as an ex-judicial joke. The crowd was flabbergasted again when the former jurist threw their applause back into their faces He told them that he had been accustomed for sixteen years to address only forums and that their applause was to him only so much consumption of time, still if it pleased them, he said, he did not especially mind it. He got silence quicker than

he ever got it in court. It was the typical Tammany ratification meeting, but minus some of the enthusiasm which is the usual accompaniment of these meetings. The hall was packed, but there was no need of police to stop the overflow. Outside meetings were held also and there were bands both outside and inside the hall. If Mr. Murphy was present in the hall he was beautifully inconspicuous and was not on the stage. Justice Gaynor when he entered had four minutes of applause, the longest he has yet had. Music helped prolong

the demonstration "And so this is Tammany Hall!" said Judge Gaynor, looking about as though gazing for the first time upon para and just slightly glancing upward. After a moment's silence a voice from above cried. "Hurray for Gaynor!" below came a robustious, "A-ha-ha-hal ou can't beat 'em over here!"

Said the Judge, with the same straight face: "It's the first time I ever was here. Strange as it may seem to you, for you doubtless think yourselves important here in Manhattan, I did not even know where it was." "I had to telephone from my house to find out how to get here,"
he went on. "And is it Tammany Hall? Well, well, if it be, where is the tiger?" "Miaouw-ow-ow!" came from the gallery and got a laugh that the speaker had failed to evoke. When it ceased

the Judge said: "What I said in Carnegie Hall I do not hesitate to repeat here: There has been talk of the tiger avallowing mel II there happens to be any swallowing done between us it is not at all improb that I may be on the outside. was received in silence.] But I see no tiger here. You look much like the audiences which I address in the virtuous Borough of Brooklyn. But if you haven't any, why didn't you borrow one from Sugar Trust Parsons? Or why didn't you send to Run-for-every-office Hearst and borrow his?" [Voice: "We've [Voice: "We've

got his goat!"] Judge Gaynor told again the story of the Parsons-Woodruff nomination meeting in an "all night saloon," and then speaking of Mr. Hearst said, "I'm very sure I never expect to be in his way or anybody else's for Governor. I have some very definite things in mind to do as Mayor and it will take four years to do them. It is the most important office in the land next to the Presidency and is the most powerful office on earth in some respects, in the power wielded by the Mayor."

The Judge then for the first time at his meetings read from notes for the next quarter of an hour, "for a particular reason," as he said. In this part of his address he retold his story of finding himself nominated by fifty-three organizations on his return from Europe, and then referring to the other side: "The fusion apostles, engaged in the

ination. They impudently and unlawfully put that up to me. I shall always look back on that as the greatest insul that ever came to me." The speaker turned to Hearst and still reading repeated that Hearst had sought him out and pledged himself to him, in a pledge put down in black and white, continuing: "In two days he broke his word and allied himself with the tool of those who enriched themselves by

overcapitalizing the railways of the city

and unloading the stock upon innoce

"We challenge Hearst as a fraud. His excuse is that his conscience—huh!-is too delicate to vote for any one nominated by Tammany. Why, he even hires the columns of other newspapers and then hires writers to pull him up. It's enough to make one puke! The inde-cency of it! The lack of sensibility of it! "I am an absolutely free man, and if as Mayor abandon my life record, which I intend to leave to my eight children, against bad government, oppression and wrong in government let him go to the

polls straight and vote against me." Soon the Judge dropped his notes and proceeded to talk as usual for nearly another hour. He retold his story of the traction deals and won the greatest aplause up to that point when he said that if the sinners kept their money and refused to pay the 7,000 judgments against them for injuries individuals had received, not all the churches or altars they built would avail as much on the Great as a pebble on the grave of one of those they had wronged.
"These are the men," he went on, "who

for six years have held up the city be-cause they could not get their clutches on our future subways. By the eternal, if Mr. Galvin, Mr. Moore and I get in office and have a majority vote in the Board of Estimate they'll never get their clutches on any of them.

"They've got their clutches on the present subway. If I'm elected we'll ouild a subway and they'll never get so much as their little finger on it. The bonds of New York are better than the bonds of the United States. The na-tional Government may disappear, it may not endure forever, that has been